

REMARKS

Claims 1-24 are pending in the above-captioned patent application. Claims 1, 3, 5-9, 16, 18 and 19 have been rejected, claims 2, 4, 10-15 and 17 have been withdrawn, and Claim 20 has been objected to.

The Applicants respectfully disagree with the rejection of claims 1, 3, 5-9, 16, 18 and 19. However, the Applicants have amended claims 1, 5-7, 16 and 18, and added new claims 21-24 with this amendment for the purpose of expediting the patent application process in a manner consistent with the goals of the Patent Office (65 Fed. Reg. 54603), and/or to clarify what the Applicant regards as the present invention.

Support for the amendments to claims can be found throughout the originally filed specification. In particular, support for the amendments to claims can be found in the specification at page 5, lines 19 through Page 9, line 17, in Figures 1A, 1B, 3, 4, 5A, 5B and 6, and in the originally filed claims.

Support for new claims 21-24 can be found throughout the originally filed specification. In particular, support for new claims 21-24 can be found in the specification at page 4, line 29 through Page 9, line 17, in Figures 1A, 1B, 3, 4, 5A, 5B and 6, and in the originally filed claims.

New claim 21 is based on claim 20 rewritten in independent form. Therefore, because new claim 21 contains only those limitations contained in claim 20, and new claim 21 is not narrower in scope than previous claim 20. Original claim 20 was found to contain patentable subject matter. Accordingly, new claim 21 is considered to be in condition for allowance.

No new matter is believed to have been added by this amendment.

Reconsideration of the pending application is respectfully requested in view of the above-recited amendments and the arguments set forth below.

Withdrawal of Claims

The Patent Office acknowledged the Applicants' election with traverse of Group VI, claims 1, 3, 5-9, 16 and 18-20, as illustrated in Figure 5A, but rejected the Applicants' traversal. The Patent Office has accordingly made the Restriction Requirement final and withdrawn previously pending claims 2, 4, 10-15 and 17 from further consideration

pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. The Applicants respectfully traverse the withdrawal of claims 2, 4, 10-15 and 17 and respectfully submit that claims 2, 4, 10-15 and 17 should no longer be withdrawn and should be subject to substantive review by the Patent Office.

As detailed in their Response to Election Requirement mailed on September 11, 2006, the Applicants believe that claims 1, 6-9, and 18 are generic. The Applicants respectfully submit that claims 1, 6-9 and 18 are still generic claims after the amendments herein. Further, as argued in detail below, the Applicants respectfully submit that generic claims 1, 6-9, and 18 are in condition for allowance.

Under MPEP §806.04(d), "a generic claim should require no material element additional to those required by the species claims, and each of the species claims must require all the limitations of the generic claim." The MPEP §806.04(d) continues on to provide that "(o)nce a generic claim is allowable, all of the claims drawn to species in addition to the elected species which require all the limitations of the generic claim will ordinarily be allowable over the prior art in view of the allowability of the generic claim, since the additional species will depend thereon or otherwise require all of the limitations thereof."

The Applicants respectfully submit that claim 1 meets the definition of a generic claim, as provided in the MPEP, as it includes no material elements additional to those in the species claims and each of the species claims require all the limitations of the generic claim. Because claims 2, 4 and 10-15 depend directly or indirectly from generic and allowable claim 1, they should no longer be withdrawn and should be subject to substantive review by the Patent Office.

Additionally, the Applicants believe that claim 16 is a linking claim. Further, as argued in detail below, the Applicants respectfully submit that linking claim 16 is in condition for allowance.

Under MPEP §809, "linking claims which, if allowed, act to prevent restriction between inventions that can otherwise be shown to be divisible, are (A) genus claims linking species claims;" Further, MPEP §809 states that "linking claims must be examined with, and thus are considered part of, the invention elected ... should any linking claims be allowable, the restriction requirement between the linked inventions must be

withdrawn. Any claim(s) directed to the nonelected invention(s), previously withdrawn from consideration, which depends from or requires all the limitations of the allowable linking claim must be rejoined and will be fully examined for patentability."

The Applicants respectfully contend that claim 16, which was rejected under 35 U.S.C. § 102(a) and under 35 U.S.C. § 103(a), is a linking claim, as it comprises subject matter applicable to multiple species claims. For example, as detailed in their Response to Election Requirement mailed on September 11, 2006, the Applicants believe that claim 16 reads on the elected species. The Applicants respectfully submit that claim 16 still reads on the elected species after the amendments herein. Further, the Applicants respectfully submit that claim 16 is believed to be a genus claim which links the different species described in claim 17, which reads on Figure 4. Therefore, since claim 16 contains only limitations present in the species claims, claim 16 should be found to be a linking claim as it relates to withdrawn claim 17, which depends directly from claim 16. Moreover, the Applicants respectfully submit that with this Amendment and Response, as argued more fully below, claim 16 is in allowable form. Accordingly, the Applicants respectfully request that claim 17 should no longer be withdrawn due to a restriction requirement and should be subject to substantive review by the Patent Office.

Allowable Subject Matter

Claims 20 was found to contain patentable subject matter, but were objected to as being dependent upon a rejected base claim.

As stated above, new claim 21 is based on original claim 20 rewritten in independent form. Original claim 20 was found to contain patentable subject matter. Accordingly, new claim 21 is considered to be patentable.

Rejections Under 35 U.S.C. §102(a)/103(a)

Claims 1, 6-9, and 16 are rejected under 35 U.S.C. §102(a) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,539,564 issued to Hsia ("Hsia"). The Applicants respectfully submit that the rejection of claims 1 and 16, as amended, is unsupported by the art and should be withdrawn.

More particularly, the Examiner contends that Hsia discloses as broadly interpreted

a base frame having a substantially non-rectangular perimeter (rectangular middle portion and perpendicular arcuate end portions define perimeter), a plurality of legs (12) that support the perimeter region above a support surface, a bed suspension assembly that includes a plurality of resilient members (22a, 22b) and a bed that is attached to the base frame with the bed suspension assembly to place the bed in tension, the bed having substantially parallel first sides. The Examiner further contends that Hsia appears to have approximately 25 percent of the total perimeter curved, but to the extent that Hsia does not teach such a feature, it would have been obvious to have at least 25 percent of the perimeter curved as a matter of ordinary design choice. Additionally, the Examiner contends that Hsia discloses additional features as claimed in the present invention.

The Applicants provide that Hsia is directed to a childbed comprising a bed frame 10 which includes a boundary frame 11, at least one side frame 12, a supporting panel 20 mounted on the boundary frame 11, and a side panel 30 mounted on the side frame 12. The boundary frame 11 comprises two pairs of supporting arms 111, 112 which are connected to form a rectangular and horizontal structure for retaining a mattress M. The side frame(s) 12 comprise a U-shaped supporting post 121, which has two downwardly extending support stands firmly connected to ends of the supporting arms 111. The supporting panel 20 comprises a first layer 21 having a tension surface 211 and a second layer 22 overlapped with the first layer 21 to define an edge holder 23 between the first and second layers 21, 22. Four edge sections 22A-D of the second layer 22 are connected together end to end to form the pocket-like supporting panel 20, wherein four edge holders 23 are formed between the four edge sections 22A-D of the second layer 22 and the first layer 21. The side panel 30, which is mounted on a longitudinal side of the boundary frame 11, comprises a first sheet 31, which has a tension portion 311, and a second sheet 32, which is overlapped with the first sheet 31 to define a receiving groove 33 between the first and second sheets 31, 32. (Hsia column 3, line 10 through column 4, line 13, column 5, lines 14-19, and in Figures 2-4).

However, Hsia does not disclose or suggest a trampoline comprising a base frame having a substantially non-rectangular perimeter region frame and an interior region frame, and a bed that is attached to the base frame with a bed suspension assembly, wherein the perimeter region frame encircles the interior region frame, and wherein the interior

region frame is positioned substantially between and at least partly spaced apart from the perimeter region frame and the bed.

In contrast, Hsia teaches a bed frame including a boundary frame 11, at least one side frame 12 which is positioned perpendicular to the boundary frame 11, and a supporting panel 20 which is mounted on the boundary frame 11. The generally L-shaped positioning of the boundary frame 11 and the supporting panel 20 relative to the at least one side frame 12, which includes the arguably non-rectangular portion of the perimeter region of the bed frame 10, does not result in the interior region of the bed frame 10 being positioned substantially between the perimeter region and the supporting panel 20.

Additionally, Hsia does not disclose or suggest a trampoline comprising a base frame having a substantially planar perimeter region that includes at least one arc-shaped section. As noted above, what the Patent Office contends is the non-rectangular perimeter region of the bed frame 10 in Hsia is created by the boundary frame 11 and the at least one side frame 12, which include a generally L-shaped positioning relative to each other.

In distinction to Hsia, amended claim 1 recites "(a) trampoline comprising: a base frame having a substantially non-rectangular perimeter region frame, an interior region frame and a plurality of legs that are coupled to the perimeter region frame and that support the perimeter region frame above a support surface, wherein at least approximately 25 percent of the total length of the perimeter region frame is curved; wherein the perimeter region frame encircles the interior region frame, and wherein the interior region frame is positioned substantially between and at least partly spaced apart from the perimeter region frame and the bed; a bed suspension assembly that includes a plurality of resilient members; and a bed that is attached to the base frame with the bed suspension assembly to place the bed in tension, the bed having a pair of substantially parallel first sides."

Because Hsia does not disclose or suggest all of the elements of amended claim 1, the 35 U.S.C. § 102(a)/103(a) rejection of claim 1 is unsupported by the art and should be withdrawn. Further, because claims 6-9 depend either directly or indirectly from amended claim 1, the rejection of claims 6-9 under 35 U.S.C. § 102(a)/103(a) is also unsupported by the art and should be withdrawn.

Additionally, in distinction to Hsia, amended claim 16 recites "(a) trampoline comprising: a base frame having a substantially planar perimeter region frame that includes at least one arc-shaped section, and an interior region frame that is at least partly spaced apart from the perimeter region frame, the perimeter region frame substantially encircling the interior region frame; a bed suspension assembly; a bed that is coupled to the base frame with the bed suspension assembly, the bed having a pair of substantially parallel first sides; a first side section having a first inner side that is substantially linear and a first outer side that substantially follows a contour of a portion of one of the arc-shaped sections of the perimeter region frame, the first inner side being substantially parallel to the pair of first sides of the bed; a first side suspension that couples the first side section to the base frame; a second side section having a second inner side that is substantially linear and a second outer side that substantially follows a contour of a portion of one of the arc-shaped sections of the perimeter region, the second inner side of the second side section being substantially parallel to the pair of first sides of the bed; and a second side suspension that couples the second side section to the base frame."

Because Hsia does not disclose or suggest all of the elements of amended claim 16, the 35 U.S.C. § 102(a)/103(a) rejection of claim 16 is unsupported by the art and should be withdrawn.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 3, 5, 18 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,031,688 issued to Southwood ("Southwood"). The Applicants respectfully submit that the rejection of claims 1 and 18, as amended, is unsupported by the art and should be withdrawn.

More particularly, the Examiner contends that Southwood discloses, as broadly claimed, a base frame (10) having a substantially non-rectangular perimeter region and a plurality of legs (17) that are coupled to the perimeter region and that support the perimeter region wherein at least approximately 25 percent of the total length of the perimeter region is curved, a bed suspension assembly that includes a resilient member (24), and a bed (23) attached to the base frame with the bed suspension assembly to

place the bed in tension, the bed having a pair of substantially parallel sides (note portions of the bed extend in substantially parallel directions). The Examiner concedes that Southwood fails to teach the use of a plurality of resilient members, but the Examiner contends that the use of a plurality of resilient members as opposed to a single resilient member is a matter of ordinary design choice, and it would have been obvious to one of ordinary skill in the art to provide the Southwood device with a plurality of resilient members. Additionally, the Examiner contends that Southwood discloses additional features as claimed in the present invention.

The Applicants provide that Southwood is directed to, in relevant part, a trampoline comprising: a pair of semi-circular rails 10 and 11, which are connected at the points 12 and 13 to form a trampoline frame formed in a circle; tubular posts 17 and 18 that support the rails 10 and 11, wherein the upper ends of the posts 17 and 18 are secured to the rails 10 and 11; and a sheet of material 23 that is stretched across the frame and that is retained in tension by an elastic strap or cable 24 which extends around the upper rail and which extends through eyelets 25 in the edge of the sheet of material 23. The sheet of material 23 includes a plurality of arc-shaped outer edges. (Southwood column 1, lines 26-33, column 2, lines 24-47, and in Figures 1-3).

However, Southwood does not teach or suggest a trampoline comprising a base frame having a substantially non-rectangular perimeter region frame and an interior region frame, wherein the perimeter region frame encircles the interior region frame, and wherein the interior region frame is positioned substantially between and at least partly spaced apart from the perimeter region frame and the bed. While the trampoline in Southwood includes a base frame having a substantially non-rectangular perimeter region frame, the base frame in Southwood does not include an interior region frame.

In distinction to Southwood, amended claim 1 recites "(a) trampoline comprising: a base frame having a substantially non-rectangular perimeter region frame, an interior region frame and a plurality of legs that are coupled to the perimeter region frame and that support the perimeter region frame above a support surface, wherein at least approximately 25 percent of the total length of the perimeter region frame is curved; wherein the perimeter region frame encircles the interior region frame, and wherein the interior region frame is positioned substantially between and at least partly spaced apart

from the perimeter region frame and the bed; a bed suspension assembly that includes a plurality of resilient members; and a bed that is attached to the base frame with the bed suspension assembly to place the bed in tension, the bed having a pair of substantially parallel first sides.”

Because Southwood does not teach or suggest all of the elements of amended claim 1, the 35 U.S.C. § 103(a) rejection of claim 1 is unsupported by the art and should be withdrawn. Further, because claims 3 and 5 depend directly from amended claim 1, the rejection of claims 3 and 5 under 35 U.S.C. § 103(a) is also unsupported by the art and should be withdrawn.

Additionally, in distinction to Southwood, amended claim 18 recites “(a) method for manufacturing a trampoline ... comprising the steps of: providing a base frame having a substantially non-rectangular perimeter region frame, an interior region frame, and a plurality of legs that are coupled to the perimeter region frame and that support the perimeter region frame above a support surface, wherein at least approximately 25 percent of the total length of the perimeter region frame is curved, wherein the interior region frame is positioned substantially between and at least partly spaced apart from the perimeter region frame and the bed; and wherein the perimeter region frame substantially encircles the interior region frame; and coupling a bed having a pair of substantially parallel first sides to the base frame with a bed suspension assembly, the bed suspension assembly including a plurality of resilient members that extend between the base frame and the bed.”

Because Southwood does not teach or suggest all of the elements of amended claim 18, the 35 U.S.C. § 103(a) rejection of claim 18 is unsupported by the art and should be withdrawn. Further, because claim 19 depends directly from amended claim 18, the rejection of claim 19 under 35 U.S.C. § 103(a) is also unsupported by the art and should be withdrawn.

Remaining New Claims

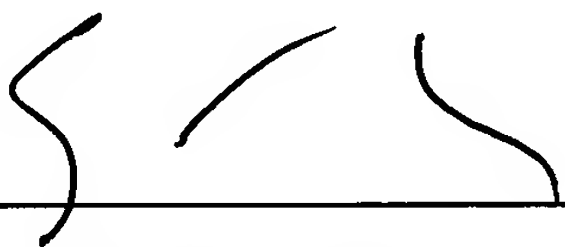
Remaining new claims 22-24 have been added with this amendment. These claims are of slightly different scope than the previously existing claims. However, new claims 22-24 are believed to be patentable in view of the cited references.

Conclusion

In conclusion, the Applicants respectfully assert that claims 1-24 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 858-456-1951 for any reason that would advance the instant application to issue.

Dated this 23rd day of April, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S G R', is written over a horizontal line.

STEVEN G. ROEDER
Attorney for Applicants
Registration No. 37,227

THE LAW OFFICE OF STEVEN G. ROEDER
5560 Chelsea Avenue
La Jolla, California 92037
Telephone: (858) 456-1951